

REMARKS

This Preliminary Amendment is being filed concurrently with a Request for Continued Examination in response to the Final Office Action dated May 12, 2005.

Initially, Applicants would like to thank the Examiner for the courtesies extended during the telephone interview that the Examiner conducted on September 1, 2005 with Applicants' representatives Peter G. Thurlow (Reg. No. 47,138) and Michael Fainberg (Reg. No. 50,441). During the interview the Examiner and Applicants' representatives discussed the scope of the claims, in particular, Claim 32 and proposed amendments to Claim 32 directed to the gas dispensing device feature. In addition, the Examiner's comments in the Office Action were reviewed and the prior art of record in this case was reviewed as well.

Claims 32-39 are pending, of which Claim 32 is in independent form. Claims 32, 33, 36 and 37 have been amended to define more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

In the Final Office Action, Claims 32-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP04356617 ("the '617 reference") in view of JP02290270 ("the '270 reference"). Applicants respectfully traverse this rejection.

In particular, Applicants respectfully submit that neither the '617 reference nor the '270 reference, either alone or in combination, would teach or suggest a gas cigarette lighter comprising, *inter alia*, a gas dispensing device having "a first tubular element fitted into said threaded ring and a second tubular element having a gas outlet duct therein, the second tubular element being disposed at least in part within the first tubular element" and "said first tubular element passes through the first and second openings of the threaded ring," as recited in amended Claim 32.

More specifically, the '617 reference discloses a gas lighter comprising a valve mechanism support body 2, a valve seat member 7, and a nozzle 5. The Office Action states that the valve mechanism support body 2 corresponds to the threaded ring of Claim 32, and the valve seat member 7 and nozzle 5 correspond to at least one tubular element of Claim 32. The Office Action further states that the combined valve seat member 7 and nozzle 5 pass through the valve mechanism support body 2, which allegedly corresponds to the Claim 32 limitation relating to the tubular element passing through the first and second openings of the threaded ring. Applicants respectfully submit that Claim 32 has been amended to more clearly define that the gas dispensing device of Claim 32 includes a first tubular element 23 that passes through the first and second openings of the threaded ring 7 and a second tubular

element 31 (e.g., the nozzle) disposed at least in part within the first tubular element 23. Support in the specification for the features added to Claim 23 relating to the first tubular element can be found at least in paragraphs [0032] - [0035] and for the second tubular element at least in paragraphs [0038] and [0039].¹

Applicants also submit that the '617 reference would not teach or suggest the feature of Claim 23 directed to "said first tubular element passes through the first and second openings of the threaded ring." Even if the Examiner's statements in the Office Action are correct that the (i) valve mechanism support body 2 of the '617 reference corresponds to the threaded ring 7 of Claim 32, that (ii) the valve seat member 7 of the '617 reference corresponds to the first tubular element 23 of Claim 32, and that (iii) nozzle 5 corresponds to the second tubular element 31 of Claim 32, Applicants submit that the '617 reference would not teach or suggest the feature of Claim 23 directed to "said first tubular element passes through the first and second openings of the threaded ring."

More specifically, with reference to Fig. 1 of the '617 reference, the valve seat member 7 does not pass completely through the mechanism support body 2, in the manner similar to the first tubular element 23 passing through the threaded ring 7 as recited in Claim 32.¹ In fact, valve seat member 7 of the '617 references passes only slightly more than half way through the valve mechanism support body 2. Indeed, it appears from Fig. 1 of the '617 reference that nozzle 5 passes through the support body 2; however, that differs from what is recited in Claim 32 of the present invention. In Claim 32, the first tubular member 23 (which allegedly corresponds to valve seat member 7) passes through the threaded ring 7 (which allegedly corresponds to support body 2). Moreover, it is clear from Fig. 1 of the '617 reference that valve seat member 7 passes only through the bottom end of the valve mechanism support body 2. Thus, Applicants respectfully submit that the '617 reference would not teach or suggest all of the limitations of independent Claim 32.

Applicants submit that at least for the reasons described above, amended Claim 32 is patentable over the cited prior art.

The other claims in this application depend directly or indirectly from Claim 32 discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

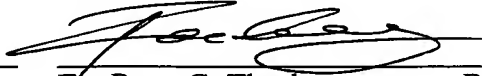
¹ Applicants note that the scope of the claims are not limited to the details of this embodiment.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 326-3694. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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